CWP No.123 of 2002

13.9.2007 Present: Mr.Sanjeev Kuthiala, Advocate, for the petitioner.

Mr.P.C.Sharma, advocate, for respondents No.1 to 3.

Mr.M.S.Chandel, Advocate General, with Mr.M.A.Khan and Ms.Meenakshi Sharma, Dy.AGs., for respondents No.4 to 6.

Admittedly the area has been de-notified vide notification dated 30.1.1992. In view of this notification the rights of the parties have to be settled only by the civil court as held by a Division Bench of this Court in CWP No.1729 of 1993 decided on 22.9.1997. The Hon'ble Single Judge of this Court relying upon the judgment rendered in CWP No.1729 of 1993 had also relegated the parties on 10th November, 2003 to approach the civil court and establish its claim while dismissing the writ petition No.223 of 1997 on the similar facts. The Hon'ble Single Judge had clarified specifically that in the event of the objection with regard to the limitation in the suit being raised the petitioner would be at liberty to claim the deletion of the period from which the petition remained pending in accordance with law.

In view of the judgment rendered by a Division Bench of this Court in CWP No.1729 of 93 on 22.9.1997 and by Hon'ble Single Judge in CWP No.223 of 1997 decided on 10.11.2003 the writ petition is dismissed with liberty to the petitioner to approach the civil court and establish his claim. It is clarified that pendency of the various proceedings before the appropriate forms will be a relevant factor while determining the limitation. The writ petition is accordingly disposed of.

September 13,2007(g) **(Rajiv Sharma),J.**